

1 The Westfield-Washington Advisory Plan Commission held a meeting on  
2 Monday, March 16, 2009 scheduled for 7:00 PM at the Westfield City Hall-  
3 Council Chambers.

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5 **Opening of Meeting 7:00 PM**

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7 **Roll Call** – Note Presence of a Quorum

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9 **Commission Members Present:** Robert Smith, President; Cindy Spoljaric, Vice-  
10 President; Dan Degnan, Robert Horkay, Bob Spraeztz, Russell Cameron, and Bob Smith.

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12 **Commission Members Absent:** Pete Emigh, Bill Sanders

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14 **City Staff Present:** Kevin Todd, Planner II and Brian Zaiger, City Attorney

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16 **Approval of the Minutes:**

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18 Motion: To approve the February 17, 2009 Public Hearing Meeting Minutes as  
19 presented.

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21 Motion by: B. Smith; Second by Spoljaric; Vote: 7-0.

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24 Todd reviewed the Public Hearing Rules and Procedures.

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27 **NEW BUSINESS**

28  
29 Case No. 0903-PUD-03  
30 Petitioner The J.C. Hart Company and Nelson & Frankenberger  
31 Description 441 South Union Street; Request a change in zoning of approximately 19  
32 acres from the MF-1 and EI districts to the Union Street Flats PUD.

33  
34 Todd introduced the petition which is a change in zoning of 19 acres to the Union Street  
35 Flats PUD. He stated this project would allow for the construction of up to 250 multi-  
36 family dwelling units. He further stated amenities will include a clubhouse with indoor  
37 swimming pool and half court basketball court, minimum of 25% open space which  
38 calculates to approximately 4.5 to 5 acres, an integrated trail and sidewalk system which  
39 includes the construction of a portion of the Monon/Midland loop through downtown  
40 Westfield, bicycle parking facilities throughout the project, area to be dedicated to the  
41 city for possible regional storm water detention for the downtown area. He also stated  
42 the proposal also identifies future right-of-way for a South Street extension on the west  
43 side of Union Street which would help accomplish one of the goals of the thoroughfare  
44 plan by establishing a frontage road along US 31 which would ultimately connect to the  
45 Lantern Commons project to the south. The project does conform to the Grand Junction

1 Master Plan. Since the March 2 Workshop meeting, the petitioner has revised the  
2 document to address concerns of neighbors, city staff and the Commission including  
3 clarification of open space definition, inclusion of privacy fencing requirements and  
4 restrictions, reduction in maximum building height, inclusion of maximum building  
5 height of two stories for buildings which front on Union Street, addition of bicycle  
6 parking facilities, addition of trail width requirements, inclusion of trail lighting  
7 requirements and reduction of pole lighting maximum height requirements. He added  
8 that the petitioner has met the requirements of the ordinance and did hold neighborhood  
9 meeting on February 26. Todd also noted that although the staff report mentions the  
10 PUD ordinance is pending, at the time of the publishing of the report there were still  
11 items which needed to be address which have been addressed and the project is now  
12 compliant. He finished his comments stating staff recommends a positive  
13 recommendation to the City Council with the condition that a development agreement  
14 offered by the developer be submitted prior to Council consideration which is acceptable  
15 to the City Council. Todd introduced Melody Sweat, the Westfield Parks Director, who  
16 presented additional information.

17  
18 Sweat stated she has been working with the Petitioner on outstanding issues with the  
19 trails and will work out lighting issues as they move forward and stated her support for  
20 the project.

21  
22 Discussion followed regarding:

- 23 • Parking stall size;
- 24 • PUD wording regarding the Grand Junction Plan versus Comprehensive Plan;
- 25 • No parking on Union Street for the project versus all the parking on site for
- 26 residents;
- 27 • Increase in traffic;
- 28 • South Street development;

29  
30 Mr. Jon Dobosiewicz, Nelson & Frankenberger, introduced John Hart, JC Hart Company;  
31 Todd May, JC Hart Company; Gary Weaver, Weaver & Sherman Design; and Jim  
32 Shinaver, Nelson & Frankenberger. He addressed the Legislative Intent in order to  
33 address concerns regarding the verbiage regarding the Grand Junction Plan. He also  
34 stated the ordinance should reflect that parking on Union Street cannot be counted.

35  
36 Mr. Gary Weaver presented further details of the project and discussed the site plan,  
37 building elevations, trails, landscape plan, and architectural variety.

38  
39 Dobosiewicz shared a letter sent dated March 9, which includes 46 items or changes  
40 made to the text as a result of the Commission concerns from the workshop meeting as  
41 well as comments and concerns of the public and City staff.

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1 A Public Hearing opened at 7:31 p.m.

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3 Ms. Julie Sole spoke in support of the petition as a resident, and spoke of the Chamber's  
4 support of the petition.

5  
6 Mr. John Whitaker spoke on behalf of Union Bible College as well as himself as a  
7 resident in support of the petition.

8  
9 Mr. Terrell Gray spoke in support of the petition.

10  
11 Ms. Diane Settle expressed concern regarding the traffic impact and density.

12  
13 Mr. Joe Plankis spoke in support of the petition.

14  
15 Ms. Karen Bonnie expressed concern about tree preservation, in particular a Burr Oak  
16 which is 100 years old; she expressed appreciation that the petitioner stated consideration  
17 that the proposed road may be moved back five feet in order to preserve said tree and  
18 acknowledged these concerns.

19  
20 Mr. Delbert Dodson spoke against the petition and expressed concern regarding  
21 economic slowdown, need for the development, need for an upscale apartment  
22 community at this time, the effect on projects already approved, overdevelopment of  
23 Westfield, and traffic. He questioned granting of rezone, architectural integrity, and what  
24 type of residents is the City hoping to attract.

25  
26 Mr. Jim Anderson spoke in support of the petition.

27  
28 Mr. Todd Hoard expressed concern regarding the zoning.

29  
30 Mr. Alton Hoard asked for clarification regarding the base flood elevation on the  
31 Hamilton County Surveyor's exhibit. He also expressed concern about the flood plain  
32 and misuse of PUD zoning.

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34 Mr. Richard Morris echoed concern about the flood plain and asked what will be done to  
35 prevent flooding of surrounding properties.

36  
37 Mr. Warren Bonnie stated the floodplain map was a guestimate not really a survey. He  
38 further stated the South Street extension isn't really in the markings, but we are working  
39 on it; it may happen one day. He believes until these issues are resolved, nothing should  
40 be built there.

41  
42 Ms. Juanita Gripp stated no one has approached her family about this project.

43  
44 The Public Hearing closed at 7:59 p.m.

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1 Dobosiewicz responded to public hearing comments stating there is floodplain on the  
2 property, which has been identified. He further stated as the development process  
3 proceeds, this will be studied in greater detail, and there will be no buildings constructed  
4 in areas where not permitted. He also addressed traffic on Union Street and the zoning  
5 process.

6  
7 Discussion followed regarding:

- 8 • Tree preservation public hearing comment
- 9 • Further traffic study
- 10 • Working with residents to make sure concerns are addressed
- 11 • Parking Computation

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13  
14 Motion: To send 0903-PUD-03 to the Westfield City Council with a positive  
15 recommendation with the following conditions:

- 16  
17 1. That the Development Agreement offered by the developer is submitted prior to  
18 Council consideration of the case and is acceptable to the City Council.
- 19  
20 2. That Section 4.1 is corrected to reflect “No parking on Union Street...”

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22 Motion by: Horkay; Second by: Spraeetz; Vote: 7-0

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25 **DELEGATED TO STAFF**

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27 Todd reviewed the items delegated to staff.

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30 **CITY COUNCIL LIAISON**

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32 B. Smith reviewed items approved at the City Council meeting on March 9, 2009.

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35 **BZA LIAISON COMMENTS**

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37 Degnan reviewed the BZA meeting details of March 10, 2009.

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40 **STAFF COMMENTS**

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42 Todd announced the April 6 Workshop meeting will be held in the City Council  
43 Chambers due to the anticipation of public attendance. He also announced the April 14  
44 Public Hearing meeting will be held in a different location, most likely one of the school  
45 auditoriums, due to the large public attendance anticipated.

**ADJOURNMENT** (8:18)

Approved (date)

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President, Robert Smith, Esq.

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Vice President, Cindy Spoljaric

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Interim Secretary, Kevin M. Todd, AICP

DRAFT